

International Property Maintenance Code, 2009 Edition

177.08 Subsection 102.11 Addition - - Housing Code

Subsection 102.11, Housing Code is hereby established by adding the following subsections:

102.11.1 Housing Code. In addition to provisions of the Property Maintenance Code of the City of Ankeny, this section shall be hereafter known as the city housing code and may be cited as such and will be referred to as such in this section.

102.11.2 Scope. The provisions of this section shall be deemed to apply to all dwellings or portions thereof used or designed or intended to be used for human habitation. All occupancies in existing buildings may be continued as provided in previously adopted Building Code(s) except such structures as are found to be substandard as defined in this code. Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this code shall apply to the separate portions as if they were separate buildings. Every roominghouse or lodginghouse shall comply with all of the requirements of this code applicable to dwellings.

102.11.3 Dwellings--Definition. A dwelling is any house or building or portion thereof which is occupied in whole or in part as a home or residence of one or more human beings, either permanently or transiently. No part of a building hereafter constructed as or altered into a dwelling may be occupied in whole or in part for human habitation until the issuance of a certificate by the code official that such part of the dwelling conforms to requirements relative to dwellings hereafter erected. The certificate shall be issued within fourteen days after written application therefore if the dwelling at the date of such application shall be entitled thereto. Such certificate shall hereafter be known as an occupancy certificate.

102.11.4 Housing inspector. The city council may designate, by resolution, the Building and Zoning Administrator and his or her representatives or designees as housing inspectors, or, the city council may, by resolution, approve certain qualified firms or persons who by training or experience are familiar with the provisions of this code to perform inspections of rental dwelling units in the city, to insure their compliance with this code. The inspectors appointed under the provisions of this section shall be charged with the responsibility of performing inspections of rental dwelling units in the city only, but shall not be charged with the duty of enforcing the provisions of this chapter. The code official shall be responsible for the enforcement of this chapter and may also make any inspections required under the provisions of this chapter.

102.11.5 Regular inspections. Regular inspections of rental dwelling units shall be required every three years in the case of multiple-family dwellings and every five years in the case of unattached single-family rental units and duplexes.

102.11.6 Application for a certificate. Every person, firm or corporation that offers for rent a dwelling or portion(s) thereof within the city shall submit to the Planning & Building Department, on forms provided, an application requesting an inspection certificate. Such application shall be accompanied by an inspection and application fee in an amount established by council resolution. Upon receipt of such application, the city shall cause an inspection of the premises and, if the same comply with the provisions of this chapter, issue an inspection certificate. If the premises fail to comply, the housing inspector shall notify the applicant in writing, stating the reasons for such noncompliance.

102.11.7 Additional inspections. In addition to the inspections required under Section 102.11.4, the city inspector or inspectors are also empowered to make similar inspections of all rental units as frequently as may be necessary and may make inspection at any reasonable time on a written complaint submitted by the owner,

tenant or other person concerned; the city will make special provisions in the case of elderly and handicapped persons in order to insure that their housing facilities are adequate.

102.11.8 Inspection fees for additional inspections. When an inspection is made at the request of the owner, an inspection fee as provided in Section 102.11.6 shall be charged. If an inspection is made at the written request of a tenant and the dwelling is found to be in noncompliance, due to an omission of the owner, such owner shall be responsible for the re-inspection fee. No inspection shall be conducted at the request of a tenant unless the tenant has first submitted his complaint, in writing, to the landlord, no less than ninety-six hours before making such complaint to the city. If, after a written complaint by the tenant, the dwelling is found to comply, or if such noncompliance is due to conduct on the part of the tenant, the tenant shall be liable for the cost of such inspection. If such costs are not paid by the tenant within thirty days from date of billing, the city may initiate an action in law or in equity to recover the same, in which event the tenant shall be liable for reasonable attorney fees. No fee shall be charged to the owner for such inspection. In the event an inspection is initiated by the city or at the request of a person other than the owner or tenant, and if the building is found to be in noncompliance, the owner shall be liable for such inspection fees. In the event that on the date of the inspection the building complies with the provisions of the housing code, no fee shall be charged. In the event that on the date of inspection a dwelling fails to comply with the provisions of the housing code, which necessitates additional inspections, the owner shall be liable for the cost of such re-inspections. All fees required under this chapter shall be paid prior to the issuance or renewal of the inspection certificate.

102.11.9 Entrance and survey of buildings. The building inspector and all inspectors and employees of the building department and such other persons as may be authorized by the city council may, without fee, except as provided in Section 102.11.8, enter, examine, make necessary records and survey all rental dwellings within the city. If entry into the interior portion of a dwelling unit is required, twenty-four hours' notice to the tenant shall be given by the city. The owner or his agent or representative and the lessee and occupant of every rental dwelling and every person having the care and management of the same shall, at all reasonable times when required by such officers or persons, give them free access to such rental dwellings and premises. The owner of a rental dwelling, and his agents and employees, shall have right of access to such dwellings at reasonable times for the purpose of bringing about compliance with the provisions of this chapter or any order issued thereunder.

102.11.10 Inspection certificate required. From and after the first day of January, 1983, no person shall rent, lease, let, operate, or otherwise allow the occupancy of any dwelling unless such person holds a valid inspection certificate as is required by this chapter.

102.11.11 Reinspection. The inspection certificate issued under this chapter shall expire in three years after the original date of its issuance in the case of multiple-family dwellings, and in the case of single-family unattached dwellings and duplexes, it shall expire five years from the original date of its issuance, unless sooner revoked or suspended. The housing inspector shall inspect each such dwelling within sixty days prior to the expiration date of the certificate so that the code official may determine whether or not a new certificate shall be issued.

102.11.12 Issuance duration validation. If the dwelling and premises are found to comply with the requirements of this chapter, upon reinspection, the housing inspector shall issue a temporary inspection certificate. This certificate shall be valid for a period of thirty days from the date of inspection. It shall be presented to the Planning & Building Department within that period of time and, upon payment of the appropriate fees, the code official shall validate it.

102.11.13 Certificate displayed--Transferability. Inspection certificates shall be transferable to succeeding owners. They shall be displayed by the owner for the tenant to examine before the dwelling may be rented, leased or otherwise occupied.

102.11.14 Notice on sale of dwelling. Every person holding an inspection certificate under this chapter shall give notice in writing to the code official within ninety-six hours after having sold, transferred, conveyed or

otherwise disposed of his ownership, interest in or control of any dwelling. This notice shall include the name and address of the person succeeding to the ownership or control thereof.

102.11.15 Civil liability. The owner of any dwelling or of any building or structure upon the same lot with a dwelling, or of the lot, or any violation of this chapter, or where a nuisance as herein defined exists, who has been guilty of such violation or of creating or knowingly permitting the existence of such violation, or any occupant who shall violate or assist in violating any provisions of this chapter, shall also jointly and severally for each such violation and each such nuisance be subject to a civil penalty of fifty dollars to be recovered for the use of the Planning & Building Department in a civil action brought in the name of the municipality by the code official. Such person or persons and also the premises shall be liable in such case for all costs, expenses and disbursements paid or incurred by the Planning & Building Department, including attorneys' fees, paid or incurred by the city, by any of the officers, agents or employees thereof, in the removal of any such nuisance or violation.

102.11.16 Additional liability. Any person who, having been served with a notice or order to remove any such nuisance or violation, fails to proceed in good faith to comply with the notice or order within five days after such service, or continues to violate any provisions or requirements of this chapter in the respect named in such notice or order, shall also be subject to a civil penalty of one hundred dollars. For the recovery of such penalties, costs, expenses or disbursements, an action may be brought in a court of competent civil jurisdiction.

102.11.17 Action to enjoin. In case any dwelling, building or structure is constructed, altered, converted or maintained in violation of any provisions of this chapter or of any order or notice of the code official, or in case a nuisance exists in any such dwelling, building or structure or upon the lot on which it is situated, the code official may institute any appropriate action or proceeding to prevent such unlawful construction, alteration, conversion or maintenance, to restrain, correct or abate such violation, nuisance, to prevent the occupation of the dwelling, building or structure, or to prevent any illegal act, conduct business in or about such dwelling or lot.

102.11.18 Injunction. In any such action or proceeding, the code official may by a petition duly verified setting forth the facts apply to the district court for an order granting the relief for which the action or proceeding is brought, or for an order enjoining any persons from doing or permitting to be done any work in or upon such dwelling, building, structure or lot, or from occupying or using the same for any purpose until the entry of final judgment or order.

102.11.19 Authority to execute. In case any notice or order issued by such code official is not complied with, the code official may apply to the district court for an order authorizing him to execute and carry out the provisions of the notice or order, to correct any violation specified in the notice or order or to abate any nuisance in or about dwelling.

102.11.20 Eviction--Lease termination. If the occupant of a dwelling fails to comply with the provisions of this chapter after due and proper notice from the code official or from the owner, such failure to comply shall be deemed sufficient cause for the eviction of such occupant by the owner and for cancellation of his lease.

102.11.21 Duties of occupant. It is unlawful for any tenant to deliberately or recklessly destroy, deface, damage or remove a part of the premises or to knowingly permit any other person to do so, or to remove, without permission of the landlord, any furniture or other items of personal property belonging to the land, or to cause damage resulting in noncompliance with the codes as adopted by the City of Ankeny.

102.11.22 Name and address of agent filed. Every owner, agent or lessee of a dwelling may file with the Planning & Building Department a notice containing the name and address of an agent of such dwelling, for the purpose of receiving service of all notices required by this chapter and also a description of the property by street number or otherwise as the case may be, in such manner as will enable the Planning & Building Department easily to find the same. The name of the owner or lessee may be filed as agent for such purpose.

102.11.23 Notice of actions. In any action brought by the code official in relation to a dwelling or injunction, vacation of the premises or abatement of nuisance, or to establish a lien thereon, or to recover a civil penalty, service of notice shall be in the manner provided by law for the service of original notices.

102.11.24 Rent collections. Rent shall not be recoverable by the owner or lessee of any dwelling unit which does not comply with the provisions of this chapter for any period of occupancy which commences on or after the date that the city gives notice to the owner and tenant of the provisions of this section. Rent shall not thereupon be recoverable by the owner of such dwelling unit until the city gives written notice to the owner and occupant that such dwelling unit has been issued a valid inspection certificate as required by this chapter.